

## REMARKS

The withdrawal of certain rejections is appreciated.

With respect to paragraph 4 of the Office action and the new matter objection to claim 1, applicants believe that the text on page 5, lines 14-19 has been misread. First, the clear error in the definition of alkylene has been corrected by amendment. Applicants note that the sentence reads: "Typical linkers include alkylene, *i.e.* (CH<sub>2</sub>)<sub>n</sub>-; alkenylene - *i.e.*, an alkylene moiety which contains a double bond, including a double bond at one terminus." Thus, both alkylene and alkenylene were specified in the specification. This is further fortified on pages 6-7 where L<sup>2</sup> in particular is said to be alkylene or alkenylene. Accordingly, no new matter has been added.

The objection to claim 38 has been obviated by its cancellation.

While applicants do not believe that the spelled out names are particularly helpful to the reader, the names of the compounds specified have been added to claims 61-84. While the claims still refer to the compound by number and table, the name has been supplied, and thus, no reference to the table need be had. Applicants believe it will be helpful to the reader to be able to refer to the table to ascertain the structure directly without having to figure it out simply from the name. Accordingly, it is believed that the objections in paragraph 5 are taken care of.

With respect to paragraph 6 of the Office action and the rejection under 35 U.S.C. § 103 with respect to JP 09/124631, again, it is believed that the claim has been misread. Compounds wherein L<sup>2</sup> is a bond are not included in this claim. There is no provision for L<sup>2</sup> to be a bond. Accordingly, this basis for rejection may also be withdrawn.

With respect to claims 40-41, again, applicants believe that it has been overlooked that these claims depend ultimately on claim 1. They do not depend for patentability on the combination of active ingredients instead of the merits of the compounds; claims 40 and 41 depend from claim 39 which requires that the pharmaceutical composition contain a

therapeutically effective amount of the compound of claim 1. Accordingly, inclusion of these claims is believed proper.

Applicants believe that these amendments, essentially as to formal matters, bring the application into a position for allowance. Allowance of the present claims and passage of the case to issue is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. **219002029000**.

Respectfully submitted,

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## **EXHIBIT A. - VERSION WITH MARKINGS TO SHOW CHANGES MADE**

### **In the Specification:**

#### **Please amend the paragraph on page 5 lines 14-19 as follows:**

In addition, L<sup>1</sup> and L<sup>2</sup> are described herein as linkers. The nature of such linkers is less important than the distance they impart between the portions of the molecule. Typical linkers include alkylene, *i.e.* [(CH<sub>2</sub>)<sub>n</sub>-R] (CH<sub>2</sub>)<sub>m</sub>; alkenylene - *i.e.*, an alkylene moiety which contains a double bond, including a double bond at one terminus. Other suitable linkers include, for example, substituted alkynes or alkenylenes, carbonyl moieties, and the like.

### **In the Claims:**

61. (Twice amended) The compound of claim 60, which is selected from the group consisting of compound Nos. 15, 33, 57, 59, 77, 89, 96, and 100 of Table 2, *i.e.*,

1-methyl-6-methoxy-[4'-fluoro-(4-benzyl-2,5-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide;

1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2,5-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide;

1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide;

1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-glyoxalicamide;

1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N-methyl-glyoxalicamide;

1-methyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide;

1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-glyoxalic acid-morpholinamide; and

1-methyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-glyoxalic acid-morpholinamide.

62. (Amended) The compound of claim 60, wherein said compound is compound No. 15 of Table 2, *i.e.*, 1-methyl-6-methoxy-[4'-fluoro-(4-benzyl-2,5-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicanide.

63. (Amended) The compound of claim 60, wherein said compound is compound No. 33 of Table 2, *i.e.*, 1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2,5-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicanide.

64. (Amended) The compound of claim 60, wherein said compound is compound No. 57 of Table 2, *i.e.*, 1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicanide.

65. (Amended) The compound of claim 60, wherein said compound is compound No. 59 of Table 2, *i.e.*, 1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-glyoxalicanide.

66. (Amended) The compound of claim 60, wherein said compound is compound No. 77 of Table 2, *i.e.*, 1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N-methyl-glyoxalicanide.

67. (Amended) The compound of claim 60, wherein said compound is compound No. 89 of Table 2, *i.e.*, 1-methyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicanide.

68. (Amended) The compound of claim 60, wherein said compound is compound No. 96 of Table 2, *i.e.*, 1-methyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-glyoxalic acid-morpholinamide.

69. (Amended) The compound of claim [60] 1, wherein said compound is compound No. [98] 162 of Table 2, *i.e.*, 6-chloro-[4'-fluoro-(4-benzyl-2,5-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicanide.

70. (Amended) The compound of claim 60, wherein said compound is compound No. 100 of Table 2, *i.e.*, 1-methyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-glyoxalic acid-morpholinamide.

71. (Amended) The compound of claim 1, wherein said compound is compound No. 17 of Table 2, *i.e.*, 1-ethoxycarbonyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

72. (Amended) The compound of claim 1, wherein said compound is compound No. 38 of Table 2, *i.e.*, 1-ethoxycarbonyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

73. (Amended) The compound of claim 1, wherein said compound is compound No. 45 of Table 2, *i.e.*, 1-t-butoxycarbonyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

74. (Amended) The compound of claim 1, wherein said compound is compound No. 56 of Table 2, *i.e.*, 1-acetyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

75. (Amended) The compound of claim 1, wherein said compound is compound No. 60 of Table 2, *i.e.*, 1-acetyl-2-methyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

76. (Amended) The compound of claim 1, wherein said compound is compound No. 63 of Table 2, *i.e.*, 1-methoxymethyl-6-chloro-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

77. (Amended) The compound of claim 1, wherein said compound is compound No. 92 of Table 2, *i.e.*, 1-methoxymethyl-6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

78. (Amended) The compound of claim 1, wherein said compound is compound No. 102 of Table 2, *i.e.*, 1-methyl-6-chloro-[4-(1-4'fluorophenylethyl)piperazinyl]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

79. (Amended) The compound of claim 1, wherein said compound is compound No. 137 of Table 3, *i.e.*, -methoxy-(4-benzyl-piperazinyl)-indole-5-carboxamide-3-glyoxalic acid-methyl ester.

80. (Amended) The compound of claim 1, wherein said compound is compound No. 138 of Table 3, *i.e.*, [4-(1-phenylethyl)piperazinyl]-indole-5-carboxamide-3-glyoxalic acid-methyl ester.

81. (Amended) The compound of claim 1, wherein said compound is compound No. 152 of Table 3, *i.e.*, (4-benzyl-2R,5S-piperazinyl)-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

82. (Amended) The compound of claim 1, wherein said compound is compound No. 161 of Table 3, *i.e.*, 6-methoxy-[4'-fluoro-(4-benzyl-2,5-dimethyl piperazinyl)]-indole-5-carboxamide-3-glyoxalic acid-morpholinamide.

83. (Amended) The compound of claim 1, wherein said compound is compound No. 177 of Table 3, *i.e.*, 6-methoxy-[4'-fluoro-(4-benzyl-2R,5S-dimethyl piperazinyl)]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.

84. (Amended) The compound of claim 1, wherein said compound is compound No. 180 of Table 3, *i.e.*, (6-methoxy[4-(1-4'-fluorophenylethyl)piperazinyl]-indole-5-carboxamide-3-N,N-dimethyl glyoxalicamide.